REMARKS/ARGUMENTS

Claims 1-14 are pending in the subject application and each of claims 1-14 has been rejected in the subject Office action. Claims 1, 3, 7 and 9 are hereby amended and claims 2 and 8 cancelled.

Applicants respectfully request re-examination, reconsideration and allowance of each of pending claims 1, 3-7 and 9-14.

I. Claim Objections

On page 2 of the Office action, claims 1, 3, 7 and 9 were objected to due to informalities.

The Office action states that "'criteria' should be changed to – criterion – ". Applicants respectfully submit that it is grammatically permissible for a singular request to be compared to, i.e. to see if the request matches, more than one criterion, i.e., criteria. For example, the request may be to purge or delete data and the criteria that the request may be required to match, may be the time that the data was obtained (one criterion) and the type of data to be purged or deleted (a further criterion). Since it is grammatically permissible to recite that "determining if said first request matches known criteria" as in claim 1, for example, and since this limitation is a distinguishing feature of the invention and is supported in the specification, the objection to the claims should therefore be withdrawn.

II. Claim Rejections – 35 U.S.C. §101

On page 2 of the Office action, claims 1-14 were rejected under 35 U.S.C. §101. The disclosed invention was alleged to be inoperative and therefore lacking utility. In particular, the Office action states that "the claimed invention is inoperative because it lacks a step for another condition of request when the request does not match any known criteria". This claim rejection is believed overcome for reasons set forth below.

Each of independent claims 1 and 7 has been amended, and as amended, each recites an alternative step for another condition of request when the request does not match any known criteria.

Claims 3-6 depend from claim 1 and claims 9-14 depend from claim 7. Claims 2 and 8 are cancelled.

The rejection of claims 1-14 under 35 U.S.C. § 101, should therefore be withdrawn.

III. Claim Rejections – 35 U.S.C. § 112

On page 2 of the subject Office action, claims 1-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully submit that these claim rejections are overcome for reasons set forth below.

The Office action indicates that the expression "substantially similar" is vague because it does not define or specify the database being maintained by the computers. The expression "substantially similar" is not intended to define or specify the database being maintained by the computers, but rather to permissibly recite that the databases are alike. Nonetheless, responsive to the rejection, the expression "substantially similar" has been changed to "similar" to clarify the invention. Applicants respectfully request that this rejection with withdrawn.

The Office action also points out that "the consequences" in claims 1 and 7 lack antecedent basis. Responsive to this rejection, the definite article "the" has been deleted.

The following terms/expressions, as appear in multiple and various claims, were also alleged by the Examiner to be vague: "consequences"; "known criteria"; and "precluding storing".

"Consequence" is defined in Websters II New Collegiate Dictionary, Houghton Mifflin Company, 1995 as "That which logically follows from an action or condition: Effect" and "A logical result or inference". Referring to paragraphs [00017] – [00020], Applicants respectfully submit that it is inherent that data purging, for example, is the consequence of, or action requested by, a data purging request and that the use of the term consequence in *conjunction* with the term *request* is sufficiently definite within the requirements of 35 U.S.C. §112, second paragraph. The action or condition requested by the request is the consequence, effect or result of the request being carried out. Applicants respectfully submit that the claim rejections for claims reciting the expression "consequences" should therefore be withdrawn.

With respect to the expression "known criteria", the claims have been amended to replace the expression "known criteria" with the expression "data filtering criteria".

The rejection for the expression "precluding storing" is obviated because this language has been removed from the claims.

The claims are now appropriately definite in compliance with the requirements of 35 U.S.C. § 112, second paragraph. Therefore, the rejection of claims 1-14 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

IV. Claim Rejections – 35 U.S.C. § 102 – Faybishenko Reference

On page 4 of the Office action, claims 1-4, 6-10 and 11-14 (including independent claims 1 and 7) were rejected under 35 U.S.C. § 102(e) as being anticipated by Faybishenko, et al. (6,961,723, hereinafter "Faybishenko"). Applicants respectfully submit that these claim rejections are overcome for reasons set forth below.

Faybishenko is distinguished from Applicants' invention because Faybishenko is directed to a distributed search network for consumers that wish to perform a search on the internet. Consumers do not desire or make requests to restructure, much less *delete*, the data in the internet databases; rather, they seek informational feedback

without particular regard to the various databases which are different databases in Faybishenko. The Faybishenko system restricts where search requests go and routes the search requests but does not provide for a query to be effectuated or applied in one area of the system, then have the query expunged as does the claimed invention.

Independent claim 1 recites:

> providing a plurality of independent computers coupled to at least one network, each of said computers maintaining a substantially similar database thereon.

Amended independent claim 1 also recites the features of:

> applying said first request in one of said computers;
>
> determining if said first request matches data filtering criteria and if said first request matches data filtering criteria, expunging said first request thereby preventing said first request from propagating throughout other computers; and
>
> wherein said first request is a data delete request.

Amended independent claim 7, directed to a processor operable to execute code, similarly recites the features of:

> applying said first request in a first computer of said system;
>
> determining if said first request matches data filtering criteria; and
>
> if said first request matches said data filtering criteria, expunging said first request thereby preventing said first request from propagating throughout other computers of said system; and
>
> wherein said first request is a data delete request.

Faybishenko does not disclose the distinguishing features that appear in independent claims 1 and 7, i.e., that the data request is applied in a first computer of the system and then expunged if it is determined that the first request matches data

filtering criteria. The system also determines if the first request matches the data filtering criteria, the first request being a data delete request. Faybishenko, in contrast, is directed to routing internet search requests to appropriate databases that are different, not similar. For example, Faybishenko discusses different databases: *"deep search" may find information embedded in large databases such as product databases (e.g. Amazon.com) or news article databases (e.g. CNN)*, Faybishenko, col. 6, lines 43-45.

The Faybishenko reference routes queries within the internet network to one or more of the providers it has determined to be qualified. This determination may depend upon the terms of registration provided by the provider. Faybishenko does not, however, allow the query to go to one computer or database of a plurality of similar computers/databases and then, *based on the action requested by the request*, i.e., the consequences, then prevent the request from propagating to other of similar computers/databases.

Moreover, Faybishenko does not provide the feature of the action requested by the request being deletion of data from the database. In col. 24, Faybishenko simply discloses changing the query itself, in particular deleting a node in the query. This is distinguished from the query requesting deletion of data from a database, as in the claimed invention.

Independent claims 1 and 7 are therefore distinguished from Faybishenko and therefore dependent claims 3-6 and 9-14 are similarly distinguished. As such, the rejection of claims 1, 3, 4, 6, 7 and 9-14 under 35 U.S.C. § 102(e) as being anticipated by Faybishenko, should be withdrawn.

V. Claim Rejections – 35 U.S.C. § 102 – Tripp Reference

On page 4 of the Office action, claims 1-4, 6-10 and 11-14 (including independent claims 1 and 7) were rejected under 35 U.S.C. § 102(e) as being

anticipated by Tripp, et al. (7,032,000, hereinafter "Tripp"). Applicants respectfully submit that these claim rejections are overcome for reasons set forth below.

Tripp is also directed to performing searches using the internet. Tripp includes a router 210 that directs packets comprising search requests and update transactions through a balancing switch 212. The balancing switch 212 balances traffic to the various web servers that are available to prevent overloading of the respective web servers. The router also allows offline updates of the index server sets 216 and acts to prevent searches from being applied to an index server currently receiving an update. Tripp therefore distributes search requests based on load of the various servers and the state of the server, i.e. Tripp prevents the search from being applied to an index being updated. Tripp also manages brochure files containing non-HTML or conceptual information about the website for use in generating the central index on the server 202, col. 3, l. 47-49. When a brochure file is requested for a site which is not served by an agent a message is sent to the ISP or system administrator indicating that users of the system are requesting brochures. This is a self-policing aspect of Tripp. Tripp directs internet traffic but is not adapted to dealing with data deletion requests.

Moreover, Tripp does not disclose the other distinguishing features of Applicants' invention, reproduced infra, in the discussion dealing with the rejection under the Faybishenko reference. In particular, when a queue or request is made to the system of Tripp, Tripp does not provide for the features of claims 1 and 7, namely applying the request in one of the computers or databases; determining the consequence of the request; determining if the request matches data filtering criteria then expunging the request or query and preventing its further propagation through other servers if the request does match the data filtering criteria.

The features recited in independent claims 1 and 7 distinguish these claims from the Tripp reference and claims 3-6 depend from claim 1 and claims 9-14 depend from claim 7. Therefore, the rejection of claims 1, 3, 4, 6, 7 and 9-14 under 35 U.S.C. § 102(e) as being anticipated by Tripp, should be withdrawn.

VI. Claim Rejections – 35 U.S.C. § 103

Beginning on page 6 of the Office action, claims 5 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Faybishenko in view of the Examiner's comments and also rejected under Tripp in view of the Examiner's comments.

These claim rejections are overcome because the Examiner's assertion about it being obvious to one of ordinary skill in the art "to set up limited amount to six months" being a design choice - does not make up for the above-stated deficiencies of Faybishenko and does not make up for the above-stated deficiencies of Tripp. As such, independent claim 1 from which claim 5 depends and independent claim 7 from which claim 11 depends, are distinguished from Faybishenko in view of the Examiner's comments and are also distinguished from Tripp in view of the Examiner's comments for at least the reasons discussed previously. Dependent claims 5 and 11 are likewise distinguished, with respect to each reference, and therefore the rejection of claims 5 and 11 under 35 U.S.C. § 103(a), should be withdrawn with respect to both the Faybishenko and Tripp references.

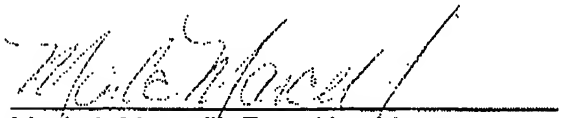
CONCLUSION

Based on the foregoing, each of pending claims 1 - 14 is in allowable form and the application in condition for allowance, which action is respectfully and expeditiously requested.

The Assistant Commissioner for Patents is hereby authorized to charge any fees or credit any excess payment that may be associated with this communication to Deposit Account 04-1679.

Respectfully submitted,

Dated: August 18, 2006



Mark J. Marcelli, Reg. No. 36,593
Attorney for Applicants

DUANE MORRIS LLP
101 West Broadway, Suite 900
San Diego, CA 92101
Telephone: (619) 744-2200
Facsimile: (619) 744-2201